

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Amendment of Service and Eligibility Rules	)	MB Docket No. 07-172
for FM Broadcast Translator Stations	)	
	)	

**COMMENTS OF THE  
NATIONAL ASSOCIATION OF BROADCASTERS**

Pursuant to Section 1.4(b)(1) of the Commission's rules, 47 C.F.R. § 1.4(b)(1), the National Association of Broadcasters (NAB)<sup>1</sup> hereby responds to the Petitions for Reconsideration of the Report and Order<sup>2</sup> in the above-captioned proceeding submitted by Robert A. Lynch and Edward A. Schober, respectively.<sup>3</sup> These Petitions should be addressed in the context of a currently pending Commission rulemaking regarding implementation of the Local Community Radio Act of 2010 (LCRA),<sup>4</sup> which raised the same issue as the Petitions.

In the FM Translator Order that the Petitions address, the Commission amended its rules to allow AM stations to use FM translator stations, authorized as of May 1,

---

<sup>1</sup> NAB is a nonprofit trade association that advocates on behalf of free, local radio and television stations and also broadcast networks before Congress, the Commission and the Courts.

<sup>2</sup> Amendment of Service and Eligibility Rules for FM Broadcast Translator Stations, *Report and Order*, MB Docket No. 07-172, RM-11338, 24 FCC Rcd 9642 (2009) (FM Translator Order).

<sup>3</sup> Petition for Reconsideration, Edward A. Schober, MB Docket No. 07-172, RM-11338 (filed July 28, 2009) (Schober Petition); Petition for Reconsideration (Partial Reconsideration), Robert A. Lynch, MB Docket No. 07-172, RM-11338 (filed July 28, 2009) (Lynch Petition) (collectively, Petitions).

<sup>4</sup> *Creation of a Low Power Radio Service*, MM Docket No. 99-25; *Amendment of Service and Eligibility Rules for FM Broadcast Translator Stations*, Third Further Notice of Proposed Rulemaking, MB Docket No. 07-172, RM-11338 (*rel.* July 12, 2011)(Notice); Local Community Radio Act of 2010, Pub. L. No. 111-371, 124 Stat. 4072 (2011).

2009, to retransmit their AM service within their AM stations' coverage areas. FM Translator Order, 24 FCC Rcd at 9642. However, due to concerns about the potential impact of this rule change on low power FM (LPFM) service, the Commission limited application of the rule change to only those FM translators with licenses or permits in effect as of May 1, 2009. 47 C.F.R. § 74.1232(d). The Petitions seek reconsideration of this date limitation because of the constraints it places on the ability of AM stations to obtain the use of FM translators for purposes of providing enhanced service to the public.<sup>5</sup>

NAB observes that the issues raised in the Petitions have been subsumed within the Commission's proceeding concerning implementation of the LCRA. In the Notice in that proceeding, the Commission specifically asked for comment on whether lifting the date restriction would be appropriate given other actions proposed in the Notice to help ensure LPFM licensing opportunities. Notice, 26 FCC Rcd at 10000.

A number of parties, including NAB and Robert A. Lynch,<sup>6</sup> submitted comments on the Notice in support of eliminating the date restriction. NAB explained that current application of the rule change has enabled more than 500 AM stations to provide improved service, and that lifting the date restriction will allow AM stations to extend the benefits of such improved service to even more listeners. NAB Comments at 2-5. We also agreed with the Commission that, given the other steps proposed in the Notice designed to promote LPFM opportunities, it would be appropriate to remove the date restriction on the eligibility of FM translators that may be used by AM stations. *Id.*

---

<sup>5</sup> Schober Petition at 1-2; Lynch Petition at 3-9.

<sup>6</sup> Formal Comment, Robert A. Lynch, MM Docket No. 99-25, MB Docket No. 07-172 (filed Aug. 29, 2011); Comments of the National Association of Broadcasters, MM Docket No. 99-25, MB Docket No. 07-172 (filed Sep. 6, 2011) (NAB Comments).

Because the issues raised in the Petitions are under consideration in MM Docket No. 99-25, NAB urges the Commission to advance the Petitions within the context of that proceeding.

Respectfully submitted,

NATIONAL ASSOCIATION OF BROADCASTERS  
1771 N Street, NW  
Washington, DC 20036  
(202) 429-5430

Handwritten signatures of Jane E. Mago, Jerianne Timmerman, and Lawrence A. Walke.

Jane E. Mago  
Jerianne Timmerman  
Lawrence A. Walke

Dated: January 5, 2012